

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

GUNNAR H. MERTZ,

3:10-CV-00260-AC

Plaintiff,

ORDER

v.

AMERICAN FAMILY INSURANCE,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#49) on March 16, 2012, in which he recommends this Court deny Defendant's Motion (#41) to Dismiss Under FRCP 12(b)(1) For Lack Of Jurisdiction. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#49). Accordingly, the Court **DENIES** Defendant's Motion (#41) to Dismiss Under FRCP 12(b)(1) For Lack Of Jurisdiction.

IT IS SO ORDERED.

DATED this 11th day of April, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge